

Applicant/Patentee: Thomas A. Silvestrini

Docket No.: 251692002120

Serial No.: 08/596,221

International Filing Date : 07/28/94

For: SEGMENTED PLIABLE INTRASTROMAL CORNEAL INSERT

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
37 C.F.R. §§ 1.9(f) AND 1.27(c) – SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: KeraVision, Inc.

ADDRESS OF CONCERN: 48630 Milmont Drive, Fremont, California 94538-7353

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SEGMENTED PLIABLE INTRASTROMAL CORNEAL INSERT by inventor(s) Thomas A. Silvestrini described in

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Thomas A. Silvestrini

TITLE OF PERSON IF OTHER THAN OWNER: Vice President

ADDRESS OF PERSON SIGNING: 48630 Milmont Drive, Fremont, California 94538-7353

SIGNATURE: Thomas A. Silvestrini

DATE: 7/9/96

# **DECLARATION FOR PATENT APPLICATION**

(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER

251692002120

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## **SEGMENTED PLIABLE INTRASTROMAL CORNEAL INSERT**

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☒ was filed as United States application  
Serial No. 08/596,221  
on 07/28/94 (International Filing Date),  
and was amended on \* (if applicable).
- ☐ was filed as PCT international application  
Number \*  
on \*,  
and was amended under PCT Article 19  
on \* (if applicable).

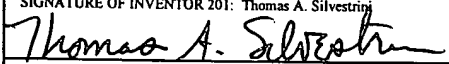
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).

I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

### **PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:**

COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
PCT	PCT/US94/08458	07/28/94	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Declaration for Patent Application (Continued)</b> (Includes Reference to PCT International Applications)			ATTORNEY'S DOCKET NUMBER 251692002120	
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:				
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:</b>				
U.S. APPLICATIONS			STATUS (Check one)	
U S APPLICATION NUMBER	U S FILING DATE	PATENTED	PENDING	ABANDONED
08/101,440	08/02/93		X	
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NUMBER	PCT FILING DATE	U S SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING
PCT/US94/08458	07/28/94	08/596,221		X
<b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)				
Send correspondence to: <u>Harry J. Macey</u> <u>Morrison &amp; Foerster LLP</u> <u>755 Page Mill Road</u> <u>Palo Alto, California 94304-1018</u>			Direct telephone calls to: Harry J. Macey at (415) 813-5754	
100	FULL NAME OF INVENTOR FAMILY NAME RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS 1701 Las Trampas Road	FIRST GIVEN NAME THOMAS STATE OR FOREIGN COUNTRY California CA CITY Alamo	SECOND GIVEN NAME A. COUNTRY OF CITIZENSHIP U.S.A. STATE & ZIP CODE/COUNTRY California 94507
	FULL NAME OF INVENTOR RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS	FIRST GIVEN NAME STATE OR FOREIGN COUNTRY CITY	SECOND GIVEN NAME COUNTRY OF CITIZENSHIP STATE & ZIP CODE/COUNTRY
	FULL NAME OF INVENTOR RESIDENCE & CITIZENSHIP POST OFFICE ADDRESS	FAMILY NAME CITY POST OFFICE ADDRESS	FIRST GIVEN NAME STATE OR FOREIGN COUNTRY CITY	SECOND GIVEN NAME COUNTRY OF CITIZENSHIP STATE & ZIP CODE/COUNTRY
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.				
SIGNATURE OF INVENTOR 201: Thomas A. Silvestrini  DATE 7/9/96		SIGNATURE OF INVENTOR 202  DATE		SIGNATURE OF INVENTOR 203  DATE